

Museum & Cultural Affairs Department

Public Art Guidelines

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I. Purpose and Goals

- A. **Purpose:** To promote and encourage private and public programs to further the development and public awareness of, and interest in, the fine arts and cultural properties, to increase employment opportunities in the arts, to encourage the integration of art into the architecture of municipal structures for the City of El Paso (“the City”), and to provide for the citizens of the City high quality, publicly accessible works of art, which contribute to the urban landscape and symbolize the City’s sense of place.
- B. **Goals:**
 - 1. To enhance the quality of life of residents through the thoughtful infusion of artists at a neighborhood level and in the design of publicly financed infrastructure;
 - 2. To promote economic revitalization by adding value to municipal facilities, creating ongoing opportunities for artists and artisans to enhance the visitor experience; and
 - 3. To define, enhance, and improve authentic images of El Paso as a unique place, community, and destination.

II. Definitions

- A. **Acquisition:** The acquisition of works of art by purchase, exchange, or gift.
- B. **Capital Improvements Program:** All projects financed by general obligation bonds and revenue bonds, and certificates of obligation, except for capital acquisitions and the Plaza Theatre Project.
- C. **Project:** Any construction activity undertaken pursuant to the Capital Improvements Program.
- D. **Commission:** The selection and contracting of an artist or artist team to create a work of art for a fee.
- E. **Cultural Affairs Advisory Board:** The board established under the provisions of Chapter 2.40 of the City of El Paso Municipal Code.
- F. **Public Art Committee:** A subcommittee of the Cultural Affairs Advisory Board appointed to oversee quality control of the public art program and projects and to recommend the scope of projects, artworks, and artists for the public art program.
- G. **Public Art Program:** The process for administration, selection, approval, funding, acquisition, or commissioning of public works of art under this ordinance.
- H. **Annual Public Art Plan:** An annual prioritized list of public art projects, including budgets and recommended design approaches, developed by the PAC in consultation with city departments anticipating capital improvement projects, to be recommended by the CAAB and approved by the city council

- I. **Work of art.** Any public art project that is a work of visual art, including but not limited to, a drawing, painting, mural, fresco, sculpture, mosaic, photograph, work of calligraphy, work of graphic art (including an etching), works in clay, textile, fiber, wood, metal, plastic, glass, stone, concrete, and like materials, or mixed media (including a collage, assemblage, or any combination of the foregoing art media). For projects which involve no structure, a work of art may include a combination of landscaping and landscape design (including some natural and manufactured materials such as rocks, fountains, reflecting pools, sculpture, screen, benches, and other types of streetscapes. A work of art may include an artist participating in master planning, conceptual development, design development, construction drawings, or construction oversight for any municipal project. Except as provided herein, the term “work of art” excludes the performing arts of dance, music, theatre, or the literary arts, unless expressed in or combined with a work of visual art or design.

III. Public Art Committee

- A. **Definition.** The PAC is a standing committee of the CAAB to oversee the public art program. With CAAB approval, the PAC directs the selection, placement, maintenance, relocation, and deaccession of artwork acquired through the public art program, and recommends revisions to the Public Art Guidelines.
- B. **Appointment.** The PAC shall consist of nine members appointed as follows: The Chair of the CAAB shall appoint three (3) members to the PAC, from the CAAB, one of which shall be appointed as Chair. The additional six (6) members will be appointed by the Chair of the CAAB from a list of qualified citizen candidates provided by the Museums and Cultural Affairs staff and approved by the CAAB. Members are appointed to a three-year term (initially staggered one, two and three years) and can be reappointed for one consecutive three-year term with each member serving no more than six consecutive years. Terms for the CAAB members serving on the PAC will correspond to their CAAB terms.
- C. **Composition.** All PAC members must be qualified/credentialed professionals and represent the following: Three (3) members of the PAC shall be representatives of the visual arts, and the other three (3) members of the PAC shall be representatives of the architecture, landscape architecture, urban planning or engineering, construction or development industries.
- D. **Meetings.** The PAC shall hold regular meetings on a monthly basis, at a minimum. All meetings, minutes, and records of official action of the PAC shall be open to the public. When a member is absent from three consecutive meetings, the Chair, shall report this fact to the CAAB so that consideration may be given to the removal of such member. *See 2.04 El Paso Municipal Code.*

- E. **Responsibilities.** The Public Art Committee (PAC) will:
1. Establish a system of active coordination with the City's capital improvements program and other building activities to ensure that works of art are properly integrated into the building environment at the earliest reasonable time in the planning process;
 2. Recommend written regulations to include, but not be limited to, criteria for selection of artists and works of art, maintenance of a file of interested artists, payment practices, procedures for artistic competitions, and requirements for the maintenance of works of art;
 3. Commission art works, review the design, execution and the placement of artworks and oversee of the removal of artworks from the public art collection;
 4. Designate sites for placement of public art; determine the scope and budget of public art projects; and oversee the artist selection process.
 5. Select juries, sub-committees or ad hoc advisory bodies to be composed of professionals in the visual arts and design fields and members of the community who will recommend artists and artworks to be funded from the capital improvements program.
 6. Recommend public art projects to be funded from the capital improvements program, including public art projects at the El Paso Public Library, the El Paso Museum of Art, El Paso Museum of Archaeology, and the El Paso Museum of History.
 7. Recommend to the City the acquisition of works of art from funding sources other than the capital improvements program for City-owned facilities, except works of art acquired for the permanent collections of or exhibitions within the El Paso Public Library, the El Paso Museum of Art, El Paso Museum of Archaeology, and the El Paso Museum of History.
 8. Educate the community about the public art program and recommend to the City programs and activities to further the development of public awareness of art in public places.
 9. Review and recommend artworks proposed to be acquired or donated to the city, as gifts or long-term loans, for placement on municipally owned property, except works of art acquired for the permanent collections of, or exhibitions within, the El Paso Public Library, the El Paso Museum of Art, the El Paso Museum of Archaeology, and the El Paso Museum of History.

IV. Museums and Cultural Affairs Department (MCAD) Staff

A. **Responsibilities.** MCAD staff will:

1. Manage the public art program and facilitate communication among the Cultural Affairs Advisory Board (CAAB), Public Art Committee (PAC) and Artist Selection Panels (ASP);
2. Identify public art project opportunities;
3. Participate in briefings for capital construction projects;
4. Initiate and coordinate each public art project so that its process is compatible with any related project timelines;
5. Present project briefings to PAC;
6. Administer the artist' recruitment and selection process;
7. Compile a pool of potential ASP and recommend a selection panel for each project;
8. Provide public art program overview and project summary to selection panel;
9. Facilitate selection panel meetings;
10. Present semifinalists identified by the selection panel to PAC for approval;
11. Provide report supporting finalist selection that PAC presents to CAAB.
12. Coordinate publicity with department having oversight responsibility for artwork;
13. Direct the public relations and general education of the public art program.

V. Artwork and Artists Selection Panels (ASP)

A. **Definition.** A group of individuals, including artists, art and design professionals and non-artist citizen representatives established by the Public Art Committee (PAC) to select artists to provide works or services.

B. **Responsibilities.** The ASP shall:

1. Review and examine proposals submitted by artist applicants;
2. Recommend an artist to be commissioned to create artwork or select an existing work to be purchased, based on the established criteria, subject to confirmation by the PAC;
3. Provide to the PAC a report on the reasons for its selection(s), addressing the Committee's stated objectives, parameters, and criteria;
4. Serves as public art ambassadors to the community.

C. **Composition.** In general, art selection panels shall be composed of three to five voting members, depending upon the size and complexity of the project. The majority of the panelists shall be art and design professionals. All panels shall include at least one representative from the community where the artwork(s) will be sited.

D. **Voting.** Each voting panelist shall have one vote. Advisors to the panel may participate freely in discussion and debate but shall not vote.

Observers shall not vote nor participate in the deliberations or discussions.

1. In the event the panel is unable to arrive at a consensus in a reasonable period of time, the public art coordinator shall call for a vote and the majority vote shall rule.
2. The panel has the option to make no selection if, in its opinion, there is insufficient merit in the entries.

E. **Advisors to the Panel.** Whenever possible, each panel will be assisted by non-voting advisors including, but not limited to, the project architect, the project manager and other representatives from the client department, the design team, the Public Art Committee, and the community.

F. **Qualifications and Eligibility.** The MCAD staff shall establish and maintain a file of potential panelists containing information on the experience and expertise qualifying individuals to serve as panelists. For each project, the PAC shall review staff recommendations and appoint panel members.

1. In general, it is the intent that an art selection panel be appointed for each artist selection process and a Public Art Committee member shall serve as an advisor to the panel; however, in situations of extenuating circumstances, such as extreme time limitations, the PAC may serve as the art selection panel.
2. At the discretion of the PAC, a panel may be asked to serve on more than one artist(s) selection process or project.
3. The City is committed to participation by multi-cultural and ethnic artists in public art. Therefore, the PAC will ensure that juries and commissioned artists reflect the ethnic diversity of the population of the City.

G. **Meetings.** During the evaluation of application materials, the art selection panel shall meet as often as necessary.

1. Art selection panel meetings shall be chaired by a PAC member who will not vote.
2. Panelists shall not discuss any application or panel deliberation with any project applicant unless asked to do so by the Public Art Program Coordinator, these requests shall occur only after the panel recommendations have been acted on by the PAC.

H. Artist Selection Process.

1. Eligibility requirements and review criteria will be established by the PAC for each project.
2. Artists will be selected on the basis of their qualifications as demonstrated by their application materials.
3. The following individuals may not apply: employees of the Museums and Cultural Affairs Department, the project architect and/or other project personnel, members of the Public Art Committee, members of the art selection panel, and the immediate family members and business partners of all the above.

VI. Guidelines for Selecting Artwork and Artists.

- A. Introduction.** The CAAB presents an Annual Public Art Plan to the City Council for review and approval. The Annual Public Art Plan includes recommendations for acquisition or commission of artwork for the public art collection. Once the site and concept of an acquisition or commissioned artwork project is approved as part of the Annual Public Art Plan, the PAC will establish an Artist/Artwork Selection Panel (ASP) for each project. The ASP will make a recommendation for artist/artwork selection to the PAC. The PAC will review the recommendation according to the review criteria and will accept, accept with conditions, or not accept the recommendation of the ASP. In case the recommendation is not accepted, the PAC will work with the ASP to resolve issues concerning the recommendation.
- B. Summary of Artwork Selection Process**
 1. A project is identified in the Annual Public Plan, and is approved by the City Council. The project may be the acquisition of artwork for a site, or the commissioning of an artwork for a site.
 2. The Public Art Committee (PAC) appoints an Artist/Artwork Selection Panel (ASP) for the project to coordinate the selection process.
 3. The ASP makes a recommendation to the PAC regarding the selection of an artist or artwork.
 4. Upon acceptance of the ASP's recommendation, the PAC and planning staff will manage the project through installation.
- C. Artists/Artwork Selection Methods.** There are several methods for selecting art and artists: Open Competition, Limited or Invitational Competition, Direct Selection, Mixed Process and Pre-Qualified Artists List. The method of selecting artists for individual projects shall be determined by the Museums and Cultural Affairs Department (MCAD) staff, in consultation with the Public Art Committee (PAC), in accordance with the adopted public art program guidelines. Any of the following methods may be used, depending upon the requirements of a particular project which may include but are not limited to: budget, timeline, geographic location, and scope of work.

1. **Open Competition:** An open competition is a call for artists for a specific project in which artists are asked to submit evidence of their past work. Any artist may submit credentials, subject to any limitations established by the ASP or PAC. Call for entries for open competitions will be sufficiently detailed to permit artists to determine whether their work is appropriate for the project under consideration.
2. **Limited or Invitational Competition:** A limited number of artists shall be invited by the ASP to submit credentials for a specific project. Artists shall be invited, based on their past work and demonstrated ability to successfully respond to the conditions posed by the particular project (i.e., water features, light works, paintings, sound works, landscape works, design team efforts, etc.), or based on other non-aesthetic Public Art Program goals (i.e., artists who reside in a particular community or neighborhood where a project is occurring, local artists or regional artists, etc.).
3. **Direct Selection:** At times the PAC and MCAD staff may elect to recommend a direct selection in which it contracts with a specific artist for a particular project. Such an election may occur for any reason, but will generally occur when circumstances surrounding the project make either an open or limited competition unfeasible (for example; project timeline, community or social considerations, client demand, etc.).
4. **Mixed Process:** A mixed process may include any combination of the above approaches.
5. **Pre-Qualified Artists List:** The PAC will establish a pre-qualified list of artists for City projects. The list will be updated every two years and will include categories for established as well as emerging artists. The list will include local, regional and national artists. Artists interested in being considered for City projects will be invited to submit their qualifications every two years. A selection panel, composed of three to five people, will be appointed by the PAC to review and select the applicants. Once selected, artists will be able to remain on the eligibility list for four years before they need to re-apply. Artists will not be eligible for more than two projects at any given time

VII. Selection Criteria for Artists and Artwork

- A. **General criteria.** Projects undertaken by artists or acquisitions of artwork whether by commission, purchase, gift, or other means should further the purpose and goals of the Museums and Cultural Affairs Department (MCAD) public art program. The PAC will determine the appropriate recruitment strategy to establish a pool of artists for each project. The selection panel will apply the following criteria when selecting artists, considering acquisitions or siting artwork:

1. **Artistic Merit** – The inherent quality and excellence of a proposed artwork together with the strength of the artist’s concept and design capabilities are the program’s highest priorities.
2. **Context** – Artwork must be compatible in scale, material, form, and content with its surroundings. When serving a functional purpose, artworks may establish focal points; modify, enhance, or define specific spaces; establish identity or address specific issues of civic design. Consideration should also be given to the architectural, historical, geographical and social/cultural context of the site or community, as well as the way people may interact with the artwork.
3. **Relevant experience** – Experience and professional record of the artist(s) should provide convincing evidence of ability to successfully complete the project as proposed. Particularly on collaborative or design team projects artists should demonstrate ability to:
 - a. Communicate effectively and elicit the ideas of team members;
 - b. Exhibit flexibility and problem-solving skills;
 - c. Work with architectural drawings and construction documents;
 - d. Engage community representatives in a project.
4. **Permanence/maintenance** – Due consideration will be given to the structural and surface soundness, operational costs and inherent resistance to theft, vandalism, weathering and excessive maintenance.
5. **Technical feasibility** – An artist must exhibit a successful track record of construction and installation of artwork or show that an appropriate professional has examined the proposed artwork and confirmed feasibility of construction and installation.
6. **Budget** - An artist’s proposal should provide a budget adequate to cover all costs for the design, fabrication, insurance, transportation, storage, maintenance costs and installation of the proposed artwork, plus reasonable unforeseen circumstances. Artists should have a history of completing projects within budget.
7. **Diversity** – Artwork will be sought from artists of diverse ethnic and cultural identities and from local, regional, national, and international artists. The PAC encourages applications from artists working in both established and experimental art forms.
8. **Fabrication and installation schedules** – The artist proposal should include a project timeline that incorporates design review, fabrication, delivery and installation in accordance

with project schedule. The artist should have a history of completing projects on time.

9. The PAC and selecting panel may recommend rejection of all submissions, if none are considered satisfactory, and a new pool of artists may be established.

B. **Gift proposals.** A potential donor of artwork will consult with MCAD staff then submit a written proposal or letter of intent to the MCAD for review by the PAC. Whenever possible the donor may present the actual artwork for approval. Following PAC review, a selection panel will evaluate each proposed gift of artwork based on the selection criteria and make a recommendation to the PAC for CAAB approval. All gift proposals will include:

1. A site plan that locates the artwork if a specific location is proposed;
2. Description of actual materials which may include drawings, photographs or samples;
3. Installation details, including architectural drawings and/ or construction documents;
4. Recommended maintenance plan;
5. Proposals for large or monumental works will include a maquette of a 3-D work or drawings of 2-D work;
6. Funding provisions:
 - a. Any display or placement of artwork gifts or bequests, whether temporary or permanent, must be covered by insurance, endowment, or contractual agreement for maintenance, so that the gifts or bequests will remain in a condition satisfactory to the donor and the CAAB;
 - b. The insurance, endowment or contractual agreement must also cover costs of installation, storage and /or removal;
7. An estimate of value by a certified art appraiser or from a source acceptable to the CAAB.

C. **Monetary gifts.** Donors may contribute monetary gifts to the public art funds. If the donor proposes a project or commission, a written proposal or letter of intent will be submitted to the City of El Paso Museums & Cultural Department for review by the PAC.

VIII. **Conflict of Interest.** This section supplements the City's Ethics Ordinance, as codified in Chapter 2.29 of the El Paso Municipal Code.

A. **MCAD staff.** Employees of the MCAD are ineligible for public art commissions or projects as long as they are employed by MCAD.

B. **Public Art Committee (PAC) members and PAC sub-committee.**

1. Members of PAC or a member of a PAC sub-committee having a financial interest in the outcome of any policy, decision, or determination before the PAC or PAC sub-committee on which

the member serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature of the financial interest in the issue, and such member shall be disqualified from participation in any debate, or vote.

- C. **Other participants.** Members of the project management, project architect, or consulting firms and employees of City of El Paso are ineligible to receive public art funds for design services or public art commissions.
- D. **Artists.**
 - 1. Artists who were previously involved in the development of a public art project or public artwork plan may be eligible for consideration for that particular project or plan provided there is disclosure of the prior involvement and approval of the PAC.
 - 2. An artist is ineligible to serve as a selection panelist while under consideration for a public art commission or project.
 - 3. An artist is precluded from having his/her work considered for a public art commission or project once selected for or while serving on a selection panel.

IX. Placement of Artwork

- A. **Process.** When public art funds are generated from a construction project, the MCAD staff and PAC will meet to determine whether a public art project will be located at the construction site or if those funds will be pooled for future projects. MCAD staff will propose site option(s) for artworks from pooled funds for review by the PAC that will present the recommended site for CAAB approval.
- B. **Factors.** In determining a site for artwork commissioned, purchased, donated or loaned, the PAC will consider the following factors:
 - 1. Visibility and civic prominence;
 - 2. Public accessibility to proposed artwork for all individuals, including facility users, surrounding community members and those with special needs;
 - 3. Public safety and liability issues;
 - 4. Vehicular and pedestrian traffic patterns;
 - 5. Relationship to architectural and natural features, landscape design, environmental impact and concerns, and future plans for the area;
 - 6. Social context and other uses of the artwork or space;
 - 7. Existing artwork within the proposed site vicinity.
- C. **Other considerations.**
 - 1. In selecting a site for a Two Percent for Public Art project, first consideration will be given to the location of the construction project which generated the funds;
 - 2. The PAC and MCAD staff will coordinate the placement of the art with the department having oversight responsibility;

3. Appropriate recognition and publicity of the artwork will be the dual responsibility of the department having oversight responsibility and MCAD staff;

X. Funding of the Public Art Program

A. Sources of funds.

1. The public art ordinance dedicates 2% percent of the net proceeds of any revenue bond or certificates of obligation issued for construction projects to fund the public art program. (See Public Art Ordinance Attached)
2. Donations from the private sector or grants from the private or public sector shall be encouraged as a means to broaden the existing program potential. These funds shall be maintained in a separate fund for the public art program.

B. Funding process. Funds will be dispersed in accordance with the City of El Paso Financial Services Department policies and procedures.

C. Related costs. Bond proceeds generated for Two Percent for Public Art projects may be spent for the acquisition of artwork, including:

1. Artist-related costs consisting of:
 - a. Artist's design fee;
 - b. Operating and overhead costs;
 - c. Labor and materials;
 - d. Proposals, drawings, or maquettes;
 - e. City required permits related to construction or erection of artwork;
 - f. Project-related travel;
 - g. Transportation of artwork to the site;
 - h. Installation;
 - i. Site preparation or modification when not included in construction costs;
 - j. Frames, mats, mounting, anchorage, pedestals, cases or other materials necessary for the installation, display and /or security of the artwork (such as fire retardant or graffiti resistant treatment);
 - k. A portion of the budget for the artwork may be set aside for contingency at the beginning of a project and returned to the public art fund if unused.
2. Administrative costs, at fifteen (15%) of project funds, based on size and complexity of project, consisting of :
 - a. Public Art staff salaries and benefits;
 - b. Office overhead;
 - c. Cost of conducting a competition;
 - d. Cost of conducting a search for work of art;
 - e. Employing consultants for planning and research and project management;
 - f. Education and marketing.

3. Architectural and engineering design services when they cannot be included in construction costs;
4. Insurance;
5. Capital maintenance and restoration of artwork acquired through the public art program.
6. Storage and disposal costs for resited or deaccessioned artwork acquired through the public art program;
7. Special projects and other purposes directly related to a specific Two Percent for Public Art project and recommended by the PAC for CAAB approval.

D. Exclusions. No public art funds may be spent for:

1. “Art objects” which are mass produced or of standard manufacture, such as playground equipment, fountains, or statuary elements, unless incorporated into an artwork by a project artist.
2. Decorative or functional elements by the project design professionals such as architects, landscape architects, engineers, or their consultants;
3. Directional elements such as signs, maps, color coding, unless designed or executed by an artist and integral to a specific project;
4. Utility costs;

XI. Maintenance, Conservation and Ownership

- A. **Maintenance.** Maintenance of public art shall be the responsibility of the City, not the artists, and the City shall commit to keeping them in well-maintained condition. The City may request as part of the contract process that the artist or artist team, include maintenance provisions for a term of one-year that includes repairs. The artist, or artist team, will also be required to provide a maintenance manual and the artist will be allowed first-refusal rights on repair contracts with a fair-market rate of remuneration.
- B. **Conservation.** The PAC will establish policies and procedures to evaluate the public art collection on a regular basis for purposes of conservation and assessment of the collection’s future.
- C. **Ownership.** The City shall have absolute, unrestricted rights incidental to its full ownership of the final artistic work to alter, change, modify, destroy, remove, move, replace, transport, or transfer in whole or in part, the final artistic work when the City deems necessary within its discretion in order to exercise the City’s powers and responsibilities in regard to public works and improvements, in furtherance of the City’s operations or for any other good cause. The artist may retain copyright and other intellectual property rights in and to the final design and the final artistic work itself. The Artist shall grant to the City a perpetual, irrevocable license to graphically depict or display the final artistic work for any non-commercial purpose, unless otherwise specified by contract.

XII. Resiting and Deaccessioning

- A. **Policies.** The Museums and Cultural Affairs Department (MCAD) will retain the right to resite or deaccess any artwork in accordance with Visual Artists Rights Act (see Appendix Vara law), regardless of the source of funding or method of acquisition. While the intent of acquisitions for long-term public display, circumstances and/or conditions may arise that make it prudent for the MCAD, on behalf of the public interest, to remove an artwork from public display. However, the review process will insure that resiting or deaccessioning will be a seldom-employed action that operates from a strong presumption against removing artwork from the public art collection, insulating the collection from fluctuations in taste.
- B. **Reasons for resiting or deaccessioning.** The Public Art Committee will recommend to the CAAB that a specific artwork be resited or deaccessioned only if one or more of the following criteria are met:
 - 1. The site is being eliminated;
 - 2. The site is being altered such that the artwork is no longer compatible with the site;
 - 3. The security of the artwork can no longer be reasonably guaranteed at its current site;
 - 4. The artwork has become a danger to public safety;
 - 5. The cost of maintaining or updating the artwork's operation technology is cost prohibitive;
 - 6. Significant adverse reaction to the artwork from the community has continued for an extended period (at least two years).
- C. **Procedures.** Once the PAC has determined that an artwork meets one or more of the above criteria and with the approval of the CAAB, the following process is initiated:
 - 1. The PAC and MCAD staff make a good faith attempt to discuss resiting with the artist;
 - 2. If the artist does not agree to the proposed resiting, he/she will have the right to prevent the use of his/her name as the author of the artwork or to buy back the work as addressed in the artist contract;
 - 3. If, in the opinion of MCAD, there is not another appropriate site, the artwork may be stored or deaccessioned;
 - 4. If deaccessioned, all rights will revert to the artist, where consistent with contractual agreements. If the artist waives those rights the MCAD will dispose of the artwork;

5. If the structural integrity or condition of an artwork, in the opinion of the PAC and MCAD staff, presents an eminent threat to public safety, the MCAD director may authorize its immediate removal, without CAAB action or the artist's consent. The director would have the work placed in temporary storage. The artist and the CAAB must be notified of this action within 30 days. The PAC will then recommend options for disposition (e.g., repair, reinstallation, maintenance provisions or deaccessioning) to the CAAB for approval
6. In the event that the artwork cannot be removed without being irreparably damaged or destroyed, and if artist rights are not waived in the contractual agreement, the MCAD staff must attempt to gain such written permission before proceeding. In the event that this cannot be accomplished before action is required in order to protect the public health and safety, the MCAD director will proceed according to the advice of the City's Legal Department.

XIII. Review and Amendment

- A. These guidelines are subject to periodic review and revision by the Public Art Committee and subsequent approval by the CAAB.

Appendix

ORDINANCE NO. 16324

**AN ORDINANCE PROVIDING FOR ART IN MUNICIPAL PLACES,
ESTABLISHING THE EL PASO PUBLIC ART COMMITTEE AND DESCRIBING
ITS POWERS AND DUTIES, AND ESTABLISHING A MEANS OF FUNDING
ACQUISITION OR COMMISSIONING OF ART FOR MUNICIPAL PLACES AND
REPEALING ORDINANCES 15245 AND 15073**

WHEREAS, Ordinance No. 15073 was adopted by the El Paso City Council on April 9, 2002, for the purpose of promoting private and public programs to further the development of the fine arts and cultural properties and to encourage the integration of art into the architecture of municipal structures by providing that two percent (2%) of the total funding available under bonds for Capital Improvement Program projects be allocated for the acquisition of art for municipal property; and,

WHEREAS, Ordinance No. 15245, adopted by City Council on October 8 2002, amended Ordinance No. 15073 to provide that certificates of obligation for capital improvement projects also constitute a source of funding; and,

WHEREAS, it is now the desire of council to repeal Ordinance No. 15245 and Ordinance No 15073 and adopt a new ordinance incorporating provisions of the old ordinances and adding new provisions,

NOW, THEREFORE, BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

1. That Ordinance No. 15073, adopted on April 9, 2002 and Ordinance No. 15245, adopted on October 8 2002, are hereby repealed.
2. That the following provisions apply to the establishment of a Public Art Committee and the acquisition of, the funding of, and the commissioning of art in municipal places.

SECTION 1. PURPOSE.

The intent of this ordinance is to promote and encourage private and public programs to further the development and public awareness of, and interest in, the fine arts and cultural properties, to increase employment opportunities in the arts, to encourage the integration of art into the architecture of municipal structures for the City of El Paso ("the City"), and to provide for the citizens of the City high quality, publicly accessible works of art, which contribute to the urban landscape and symbolize the City's sense of place.

SECTION 2. DEFINITIONS.

- A. "Acquisition" means the acquiring of works of art by purchase, exchange, or gift.
- B. "Capital Improvements Program" means all projects financed by general obligation bonds and revenue bonds, and certificates of obligation, except for capital acquisitions and the

16324

Plaza Theatre Project.

C. "Project" means any construction activity undertaken pursuant to the Capital Improvements Program

D. "Commission" means the selections and contracting of an artist or artist team to the task of creating a work of art for a fee.

E. "Cultural Affairs Advisory Board" (CAAB) means the board established under the provisions of Chapter 2.40 of the City of El Paso Municipal Code.

F. "Public Art Committee" (PAC) means a subcommittee of the cultural affairs advisory board appointed to oversee quality control of the public art program and projects and to recommend the scope of projects, artworks, and artists for the public art program

G. "Public Art Program" means the process for administration, selection, approval, funding, acquisition, or commissioning of public works of art under this ordinance.

H. "Public Art Plan" means an annual prioritized list, to be recommended by the CAAB and approved by the city council, of public art projects, including budgets and recommended design approaches, developed by the PAC in consultation with city departments anticipating capital improvement projects.

I. "Work of art" means any public art project that is a work of visual art, including but not limited to, a drawing, painting, mural, fresco, sculpture, mosaic, photograph, work of calligraphy, work of graphic art (including an etching), works in clay, textile, fiber, wood, metal, plastic, glass, stone, concrete, and like materials, or mixed media (including a collage, assemblage, or any combination of the foregoing art media). For projects which involve no structure, a work of art may include a combination of landscaping and landscape design (including some natural and manufactured materials such as rocks, fountains, reflecting pools, sculpture, screen, benches, and other types of streetscapes. A work of art may include an artist participating in master planning, conceptual development, design development, construction drawings, or construction oversight for any municipal project. Except as provided herein, the term "work of art" excludes the performing arts of dance, music, theatre, or the literary arts, unless expressed in or combined with a work of visual art or design.

SECTION 3.

FUNDING OF THE PUBLIC ART PROGRAM

A. Projects in the Capital Improvements Program shall include an amount for works of art equal to two percent (2%) of the total funding available for the project whether funded by general obligation bonds, revenue bonds or certificates of obligation, but shall not include capital acquisitions or the Plaza Theatre Project; provided, however, that if the bond election ordinance, the bond ordinance authorizing revenue bonds, other appropriate laws or regulations, or an official interpretation by the State Attorney General regarding allowable uses for funds which it is providing for the project precludes art as an expenditure of funds, the amount of funds so restricted shall be excluded from the total funding available in calculating the amount to be committed to works of art.

B. In order to ensure that works of art have sufficient public visibility and impact, funds generated from the various Capital Improvements Program projects, if allowed by law, may be pooled or aggregated together and utilized for one or more large works of art as recommend by the CAAB and PAC and upon approval by City Council.

C. Funds generated as described in Section 3.A above shall be budgeted as part of the Capital Improvements Program budget. Additional private or public contributions for works of art may be added to these funds and shall be budgeted in a similar manner. Such contributions

may be earmarked for particular projects. A fund or funds will be established within the Museums and Cultural Affairs Department (MCAD) for Public Art Program funds to be administered by the Director of the MCAD.

D. No more than fifteen percent (15%) of the total amount for works of art may be expended for the administrative costs of the Public Art Program. Examples of administrative costs shall include, but not be limited to, direct administrative costs of conducting a competition or search for a work of art, education and marketing efforts, and of employing consultants for planning and research and project management.

E. The CAAB shall submit an annual Public Art Plan to the City Council for approval. The public art plan shall include new projects to be initiated in the following fiscal year, and shall describe the planned location, proposed budget, and timetable and artist selection process for each project; as well as updates on public art projects in progress.

F. An artist or artist team will be contracted for the commissioning or purchase of art. Progress payments may be made to the artist for works of art which have been recommended by the CAAB and approved by the City Manager and/or Council. Such payments may reimburse the artist for the cost of materials. A final payment of no less than 25% will be paid to the artist or artist team upon completion of the work and accession into the City's public art collection. If feasible, and if the law allows, a payment of twenty percent (20%) of the total project cost should be provided to the artist once the contract is signed for the purchase of material or labor.

G. Nothing contained herein shall preclude funding the acquisition of art for municipal property in other ways.

SECTION 4. ADMINISTRATION OF THE PUBLIC ART PROGRAM

A. The City hereby designates the Director of the Museums & Cultural Affairs Department to administer the Public Art Program including appropriate staffing and administrative support of the program, , subject to budget appropriations approved by the City Council including, but not limited to, the appointment of, a Public Art Coordinator. The Coordinator shall be housed within the Museum & Cultural Affairs Department, and will coordinate activities among the various City departments, the Public Art Committee, and artists or others providing services under the Public Art Program.

B. The CAAB, acting in coordination the Director of the Museums and Cultural Affairs Department, shall, in addition to the duties specified in Chapter 2.40.060 of the City Code, have the following duties and responsibilities associated with the administration of the public art program:

1. Review and provide recommendations on the selection of citizen members of a PAC, the establishment of program policies and guidelines, the recommendation of program budgets, and the approval of all selection juries and all other recommendations made by the PAC to the CAAB.
2. Review and provide recommendations for the establishment of policies and guidelines to facilitate and encourage the donation of high quality artworks to the city.

3. Review and provide recommendations for the establishment of policies and guidelines to ensure that the long-term collection of artworks by the city represents a broad range of artistic schools, styles, tastes and media, without giving exclusive support to any particular one, and gives consideration to diverse representation.

4. The compilation of a survey to be updated annually of the condition of the public art collection. The survey must include a report of the condition of each artwork, prioritized recommendations for the restoration, repair and maintenance of the artwork and estimated costs.

5. The recommendation of an annual designation of funds for repair and maintenance of the public art collection.

6. May recommend the creation of a separate entity to seek private donations utilizing the name of this Program and may advise the City regarding additional sources of public funds for this Program; provided, however, that any such public funding shall be subject to approval by City Council and to the City's financial review and control.

C. Public Art Committee

1. The El Paso Public Art Committee (PAC) is hereby established and shall serve as a standing committee of the CAAB. The PAC shall consist of nine members appointed as follows: The Chair of the CAAB shall appoint three (3) members to the PAC, from the CAAB, one of which shall be appointed as Chair. The additional six (6) members will be appointed by the Chair of the CAAB from a list of qualified citizen candidates provided by the Museums and Cultural Affairs staff and approved by the CAAB. All PAC members must be qualified/credentialed professionals and represent the following: three (3) members of the PAC shall be representatives of the of the architecture, landscape architecture, urban planning or engineering, construction or development industries; three (3) members of the PAC shall be representatives of the visual arts, such as visual artists (by means of a currently demonstrable record of exhibitions, work sold/collected and/or commissioned), curators, art historians or critics, arts advocates/collectors or arts administrators. The categories for membership listed above are not exclusive and more than one category may be represented by one member. No member shall be appointed to the PAC prior to the enactment of this ordinance. Members of the PAC shall be appointed to serve staggered terms from the date of appointment and are eligible to serve two-consecutive terms; after which a PAC member must sit out for one term before reappointment.

2. Except as provided in this ordinance, the qualifications, appointment and conduct of the members of the PAC and any of its sub-committees shall be governed by Title 2.04 of the El Paso Municipal Code. The initial terms of the members, as well as all other PAC procedures shall be established under the PAC's established operating procedures, provided that nothing in the operating procedures shall conflict with Title 2.04 of the El Paso Municipal Code.

3. Conflict of Interest. This paragraph supplements the City's Ethics Ordinance, as codified in Chapter 2.92 of the El Paso Municipal Code. A PAC member or a member of a PAC sub-committee having a financial interest in the outcome of any policy, decision, or determination before the PAC or PAC sub-committee on which the member serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature of the financial interest in the issue, and such member shall be disqualified from participating in any debate, decision or vote relating thereto.

4. The PAC shall have the following duties and responsibilities associated with

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recommend purchasing a completed work of art, commissioning a work of art, holding a competition to select a work of art, or creating some other timely and appropriate mode of selection. MCAD, with appropriate feedback from the PAC, will assemble review panels/juries to review project proposals and recommend artists to the PAC. The PAC will review recommendations and forward them to the CAAB. The CAAB recommendation(s) will be forwarded to the City Manager and/or Council for review and approval.

3. The City Council may accept or reject any portion of the annual public art plan or a subsequent recommendation of the CAAB and PAC. If the City Council rejects the recommendation, the CAAB and PAC shall make another recommendation in accordance with the standards and procedures outlined in this ordinance. The CAAB and PAC shall make its recommendations in a timely manner in accordance with the annual Public Art Plan as approved by City Council.

B. Selected Works of Art

1. The work of art may be an integral part of a structure, attached to a structure or detached from the structure within or outside of it. It may also be located on municipal grounds where there are not structures.

2. Any work of art which is chosen must comply with the following standards in addition to any regulations, guidelines, and timetables approved by City Council for the Program:

a. The work of art must be located in a public place with visibility and impact.

b. Works of art funded by general obligation bonds, revenue bonds, or certificates of obligation shall have a permanence at least comparable to the lifetime of the project and shall be likely to remain a thing of value for this time period. Works of art funded from other sources may be permanent or temporary.

c. The work of art shall enhance the environment of the City of El Paso.

SECTION 7. OWNERSHIP/MAINTENANCE OF WORKS OF ART.

The City shall have absolute, unrestricted rights incidental to its full ownership of the final artistic work to alter, change, modify, destroy, remove, move, replace, transport, or transfer in whole or in part, the final artistic work when the City deems necessary within its discretion in order to exercise the City's powers and responsibilities in regard to public works and improvements, in furtherance the City's operations or for any other good cause. The artist may retain copyright and other intellectual property rights in and to the final design and the final artistic work itself. The Artist shall grant to the City a perpetual, irrevocable license to graphically depict or display the final artistic work for any non-commercial purpose whatsoever.

Maintenance of public art shall be the responsibility of the City, not the artist, and the City shall commit to keeping them in well-maintained condition. The City may request as part of the contract process that the artist or artist team, include maintenance provisions for a term of one-year that includes repairs. The artist, or artist team, will also be required to provide a maintenance manual and the artist will be allowed first-refusal rights on repair contracts with a

fair-market rate of remuneration.

SECTION 8. APPLICABILITY.

This ordinance is not intended to amend or effect any previously approved or issued bonds.

SECTION 9. SEVERABILITY CLAUSE.

If any section, subsection, sentence, clause, word or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance, and such remaining portions shall continue in effect. The City Council, the governing body of the City of El Paso, hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise valid.

SECTION 10. COMPILING CLAUSE.

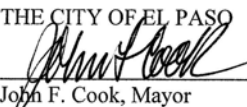
This ordinance shall be incorporated in and compiled as a part of the El Paso Municipal Code.

SECTION 11. EFFECTIVE DATE AND PUBLICATION.

This ordinance shall become effective immediately after approval by City Council.

PASSED AND APPROVED this 4th day of April 2006.


THE CITY OF EL PASO


John F. Cook, Mayor

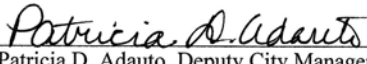
ATTEST:


Richarda Duffy Momsen
City Clerk


APPROVED AS TO CONTENT:


Yolanda R. Alameda, Director
Museums & Cultural Affairs Department

APPROVED AS TO CONTENT:


Patricia D. Adaute, Deputy City Manager
Development and Infrastructure Services

APPROVED AS TO FORM:


Lupe Cuellar
Assistant City Attorney

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Document Name: Final/Public Art Ordinance
Document Author: LCUE

BYLAWS
for the
PUBLIC ART COMMITTEE
of the
CITY OF EL PASO, TEXAS

PREAMBLE

Charter:

The Public Art Committee (hereinafter referred to as “PAC”) of the City of El Paso, Texas, was established on April 4, 2006, pursuant to Ordinance No. 16324, to serve as a subcommittee of the cultural affairs advisory board (hereinafter referred to as “CAAB”) of the City of El Paso, Texas.

Purpose:

The PAC was created to oversee quality control of the public art program and projects and to recommend the scope of projects, artworks, and artists for the public art program.

Adoption of Bylaws:

The Public Art Committee (hereinafter referred to as “PAC”) of the City of El Paso, Texas, hereby adopts these Bylaws to govern its proceedings and carry out the purposes for which the PAC was created, not inconsistent with the charter and ordinances of the City. These Bylaws shall be supplementary to the regulations governing the PAC within Ordinance No. 16324 (Public Art Ordinance), as may be subsequently amended by the El Paso City Council. These Bylaws are not intended to, nor shall they be construed to have the effect of conflicting with or superseding Chapter 2.04 of the El Paso City Code.

ARTICLE I – Membership

- 1.1 Membership of the PAC shall consist of nine local citizens. The Chair of the CAAB shall appoint three (3) members to the PAC, from the CAAB, one of which shall be appointed as Chair. The additional six (6) members will be appointed by the Chair of the CAAB from a list of qualified citizen candidates provided by the Museums and Cultural Affairs staff and approved by the CAAB.
- 1.2 All PAC members must be qualified/credentialed professionals and represent the following: three (3) members of the PAC shall be representatives of the architecture, landscape architecture, urban planning or engineering, construction or development industries; three (3) members of the PAC shall be representatives of the visual arts, such as visual artists (by means of a currently demonstrable record of exhibitions, work sold/collected and/or commissioned), curators, art historians or critics, arts advocates/collectors or arts administrators. The categories for membership listed above are not exclusive, and more than

one category may be represented by one member.

- 1.3 The beginning of all terms for the appointed membership is the date of appointment. Members of the PAC are eligible to serve two-consecutive terms; after which a PAC member must sit out for one term before reappointment. The initial terms of the members, as well as all other PAC procedures shall be established under the PAC's established operating procedures, provided that nothing in the operating procedures shall conflict with Chapter 2.04 of the El Paso Municipal Code.
- 1.4 When the term of office of any member of the PAC expires, the member shall continue to serve until his successor is appointed and qualified, or until thirty days have passed following the expiration of the term, whichever event occurs first. Any holding over past the thirty-day period is prohibited, and after that time a vacancy in the committee shall exist and the former member shall have no power to vote or participate in committee proceedings; but such vacancy shall not serve to reduce the number of members required for a quorum.
- 1.5 The members of the PAC shall be subject to removal as determined by the CAAB.

ARTICLE II – Officers

- 2.1 Officers of the PAC Committee shall be the Chair and the Vice-Chair. The former shall be appointed annually by the CAAB and the latter shall be elected annually by and from among no less than a quorum of the appointed, voting members of the PAC. The Vice-Chair shall be elected annually during the month of September, but in any case shall hold office until their successor has been elected and has qualified.
- 2.2 Nominations for office shall be made by open nominations at the regularly scheduled meeting for the election, and the vote shall be made by open ballot.
- 2.3 The Chair shall assume office on the day of appointment; the Vice-Chair shall assume office immediately following election. The duties of the officers shall be those usually pertaining to their respective offices.
- 2.4 The Chair shall preside at all meetings of the PAC, but if for any reason that person is absent or unable to act, then the Vice-Chair shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Chair. Upon the arrival of the Chair, the acting Chair shall immediately relinquish the chair upon the conclusion of the item of business then pending before the PAC.
- 2.5 The presiding officer shall preserve strict order and decorum at all regular and special meetings of the PAC, shall state questions coming before the PAC as necessary for clarity, and shall announce the decision of the PAC on all subjects.
- 2.6 All questions of order shall be decided by the presiding officer with the right of appeal to the PAC that is then present, the majority of whom may override his decision.

- 2.7 The Chair shall represent the PAC before the CAAB, the Mayor and Council as well as the general public, and may appoint any member to appear on the Chair's behalf.
- 2.8 A staff member of the Museums and Cultural Affairs Department shall act as the secretary to the PAC and shall not be a PAC member.

ARTICLE III – Meetings

- 3.1 The PAC shall hold a minimum of ten (10) regular meetings on a monthly basis.
- 3.2 An annual business and organization meeting, which may also serve as a regular monthly meeting, shall be held in September, at which time an election of Vice-chair will be held, the Bylaws reviewed, a program of objectives adopted and a schedule of meetings for the following twelve months, order of business and other activities for the ensuing year established.
- 3.3 Regular meeting notices, including the Agenda, shall be posted to each member and to the public upon at least seventy-two (72) hours prior to the date and time of the meeting in a manner consistent with the Texas Open Meetings Act.
- 3.4 Special meetings may be held at any time, provided that a seventy-two hour notice is posted in a manner consistent with Texas Open Meetings Act requirements and written or verbal communication to all PAC members is sent on or before three (3) days of the scheduled meeting.
- 3.5 Special meetings may be called by the Chair or a simple majority of the appointed members.
- 3.6 All questions on matters of procedure shall be referred to the Director of Museums and Cultural Affairs or that person's designee.
- 3.7 PAC meetings shall be conducted in accordance with the Texas Open Meetings Act.

ARTICLE IV - Quorum

A quorum of the PAC shall consist of five (5) of the qualified voting members and shall be required to convene, recess or adjourn any regular or special meeting. The minutes of the PAC shall reflect the names of the members and guests present at the meetings.

ARTICLE V - Voting

5.1 Generally

- 5.1.1 A majority of votes cast by those members present and voting, a quorum being present, shall carry all motions, except as elsewhere specified in these Bylaws.
- 5.1.2 A member may change that person's vote after the roll has been completed and before announcement of the result, but not thereafter unless the item has been reconsidered.
- 5.1.3 In cases where a unanimous vote of the PAC is not received on a question before the PAC, a verbal poll of the members shall be taken in order to

- appropriately record the vote and announce the decision.
- 5.1.4 Each regularly appointed member shall be entitled to one vote on any matter that may come before the PAC.
 - 5.1.5 The Chair may vote to break a tie, but shall otherwise refrain from voting.
- 5.2 Reconsideration of items
- 5.2.1 The PAC shall be authorized to reconsider any item prior to the expiration of the meeting at which the item was heard and decided on. A motion to reconsider prior to the expiration of such meeting may be made by any member who voted on the prevailing side on the agenda item.
 - 5.2.2 Validation: No decision of the PAC otherwise valid pursuant to the laws of the City of El Paso, Texas shall be invalidated by failure to comply with these Bylaws.

ARTICLE VI- Ethics

- 6.1 Any member of the PAC who has a professional or financial interest in any specific matter presented before the PAC shall disclose the nature of that interest to the PAC as soon as possible after such interest becomes apparent and shall be disqualified from participating in any debate, decision or vote relating to that specific matter.
- 6.2 All actions taken by the PAC shall be in accordance with the El Paso Ethics Ordinance.
- 6.3 No discussion shall be held by a member or members of the PAC with any person who is attempting to influence any PAC member concerning any matter before the PAC either at home or office, or in person, by telephone or by letter. All such discussions shall be held at the PAC meeting called for that purpose so that all members shall have the full benefit of such discussion.
- 6.4 When a PAC member is called upon or chooses to express an opinion concerning PAC activities or policies at public or private functions, the member shall indicate whether or not he/she is expressing a personal opinion or is representing the PAC and is expressing an official position. Expression of an official position by any PAC member may only be made with authorization from the PAC.

ARTICLE VII - Order of Business

The public comment portion of the agenda will be presented first, not to exceed a total of fifteen (15) minutes or five (5) minutes for each person signed up to speak, whichever period of time is greater. Anyone desiring opportunity to speak during the public portion of the agenda shall provide notice to the secretary prior to the start of the meeting. The order of business for presentation of items and other issues shall be as designated by the PAC and as established at the annual business and organization meeting. The PAC as a body shall consider and act on any request for amendment or modification to the order of business.

ARTICLE VIII- Administrative Staff

- 8.1 The Director of Museums and Cultural Affairs shall assign a City of El Paso employee as secretary to the PAC. That person shall keep a record of all PAC transactions and provide the PAC with information reasonably necessary to perform its duties.
- 8.2 The secretary of the PAC shall provide for the administrative staffing of the PAC. That person's duties shall, at a minimum, include the following:
 - 8.2.1 maintain all records of meetings, findings and determinations of the PAC;
 - 8.2.2 provide the City Clerk with one original and two copies of the minutes of PAC meetings;
 - 8.2.3 file minutes with the City Clerk within a reasonable time after the minutes have been approved;
 - 8.2.4 assist in all research activities undertaken by the PAC; and,
 - 8.2.5 carry out all functions assigned by or connected with the PAC.
- 8.3 The secretary shall make available to the City Council and all other duly elected or appointed public officials, through the Director of MCAD, all records, completed studies, and recommendations undertaken by the PAC that are not confidential by law pursuant to the Texas Open Records Act requirements.
- 8.4 The secretary shall assist members in performance of their office through consultation and the furnishing of information.

ARTICLE IX – Committees

- 9.1 Sub-committees of the PAC may, from time to time, be appointed by the Chair to assist the PAC in the performance of its functions.
- 9.2 Sub-committees of the PAC shall operate as follows.
 - 9.2.1 PAC sub-committees shall be established and appointed by the Chair or by a majority of those present and voting to assist the PAC in the performance of its functions.
 - 9.2.2 No sub-committee of the PAC is required to post notice of any meeting held.
 - 9.2.3 Each sub-committee shall consist of at least one (1) voting member of the PAC, and may consist of as many subject matter experts as deemed necessary by the PAC Chair.
 - 9.2.4 Each regular sub-committee shall require the presence of a majority of voting members for purposes of a quorum.
 - 9.2.5 The PAC Chair may designate the sub-committee chair or may delegate that responsibility to the sub-committee, which shall elect a chair from among its members.
 - 9.2.6 Progress reports of activities and minutes of sub-committee meetings shall be submitted monthly, if applicable, to the PAC at the regular PAC meetings.
 - 9.2.7 These Bylaws shall apply to and govern the activities of all sub-committees.

ARTICLE X - Amendments

The PAC, by a majority vote of not less than a quorum of its voting members, may amend, alter or rescind these Bylaws at any regular meeting, after not less than thirty (30) days written notice to the voting membership.

ARTICLE XI - Decorum and Debate

- 11.1 When a member desires to speak or make a motion, such member shall address the PAC through the Chair. Upon being recognized by the Chair, the member may address the membership.
- 11.2 When more than one member addresses the Chair, the Chair shall name the person who is to speak, recognizing the person who first addressed the Chair.
- 11.3 No member shall interrupt another, except to call to order or to correct a mistake.

ARTICLE XII - Participation by City Employee and Public

- 12.1 When an official or employee of the City desires to speak, that person shall address the Chair, and upon being recognized, shall state their name and position with the City and then speak.
- 12.2 On calls to the audience, a person desiring to speak shall address the Chair. Upon being recognized, such person shall state their full name, who that person represents, and the subject matter to be discussed.
- 12.3 No person shall interrupt the proceedings of the PAC.
- 12.4 Members of the public should address their questions to the PAC, not to the staff. PAC may in turn ask staff to provide input.
- 12.5 Each person shall proceed without interruption from the audience, and there shall be no arguing between individuals.
- 12.6 Any citizen of the City of El Paso shall have a reasonable opportunity to be heard. Provided, however, that the time allowed for each citizen's appearance before PAC may be limited to a maximum of five minutes at the beginning of the meeting except as otherwise authorized by the majority of the PAC.
- 12.7 Members of the public may be asked to leave or be removed from the meeting if it is determined that they are disruptive to the meeting. Such determination will be made by the presiding officer. The PAC may move to overrule such determination by the presiding officer subject to a simple majority vote of PAC, present and voting.
- 12.8 The members of the PAC may ask questions and make appropriate comments; however, no member shall argue or debate an issue with members of the public present.
- 12.9 A majority of the membership may take any matter under advisement for later consideration and determination, or may defer action when it concludes that additional evidence is needed or further study is required; provided that all requirements of state law and local ordinances are followed.

**ADOPTED BY THE EL PASO PUBLIC ART COMMITTEE, AT A MEETING
OF ITS MEMBERS ON THIS ____ DAY OF _____, 2007.**

ATTEST:

_____, Secretary

_____, Public Art
Committee Chair